

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

Sonny J. Leomiti and Patricia M. Leomiti, husband and  
wife,

Plaintiffs,

v.

Beteiligungs-Kommanditgesellschaft MS “Buxvillage”  
Verwaltungs-und Bereederungs GmbH & Co, a German  
Company, and NSB Niederelbe Schifffahrtsgesellschaft  
mbH & Co. KG, a German company, and Buxvillage  
(Liberia) Shipping Ltd., a Liberian company, and  
Mediterranean Shipping Company (USA) Inc. a New  
York corporation and Mediterranean Shipping Company,  
S.A., a Swiss company and MSC Monterey her  
appurtenances, equipment and furniture, *in rem*.

Defendants.

No. 2:24-cv-01583-BJR

ORDER GRANTING  
STIPULATED MOTION TO  
FILE SECOND AMENDED  
COMPLAINT AND DISMISS  
CERTAIN DEFENDANTS  
WITHOUT PREJUDICE

**ORDER**

It is so **ORDERED** the parties through their attorneys of record stipulate to the following:

- 1) The Court hereby approves of the filing of the Second Amended Complaint pursuant to the stipulation of the parties, Dkt. No. 25.
- 2) Plaintiffs shall file the Second Amended Complaint as submitted at Exhibit A to their stipulation, and the Clerk of the Court shall issue a new summons, with the correct name and spelling of the defendants that remain in this action, **MSC Mediterranean Shipping Company S.A.** and **Beteiligungs-Kommanditgesellschaft MS “Buxvillage” Verwaltungs-und Bereederungs GmbH & Co.**
- 3) The caption of the pleadings shall be amended to reflect the voluntarily order of dismissal

without prejudice of the following defendants:

1. Mediterranean Shipping Company (USA), Inc.;
2. NSB Niederelbe Schiffahrtsgesellschaft mbH & Co. KG,.
3. Buxvillage (Liberia) Shipping Ltd.

DATED this 24th day of February, 2025.



Barbara Jacobs Rothstein  
U.S. District Court Judge

1 Presented through stipulation by:

2 THOMPSON & DELAY

3 /s/ Paul J. Delay

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5 Paul J. Delay, WSBA No. 16482

6 Attorney for Plaintiffs  
7 Sonny J. Leomiti and Patricia M. Leomiti

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9 COLLIER WALSH NAKAZAWA LLP

10 /s/ Zachary Farley

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12 Zachary J. Farley, WSBA No. 58913  
13 Barbara Holland, WSBA No. 11852  
14 Anusha Pillay, WSBA No. 52989

15 Attorneys for Defendants  
16 MSC Mediterranean Shipping Company S.A., Mediterranean Shipping Company (USA) Inc.,  
17 Beteiligungs-Kommanditgesellschaft MS "Buxvillage" Verwaltungs-und Bereederungs GmbH & Co,  
18 and NSB Niederelbe Schifffahrtsgesellschaft mbH & Co. KG.